

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**BDRN, LLC, BDRN PHARMACY, LLC, and JOHN
DOE,**

Plaintiffs,

vs.

**UNITEDHEALTHCARE OF NEW YORK, INC.,
UNITEDHEALTHCARE INSURANCE COMPANY OF
NEW YORK, and OPTUMRX, INC.,**

Defendants.

**ORDER TO SHOW CAUSE
FOR A TEMPORARY
RESTRANING ORDER AND
PRELIMINARY INJUNCTION**

Civil Action No. 15-cv-804 (NSR)

WHEREAS, upon the declaration of Joseph A. Murphy, sworn to on February 9, 2015 ("Murphy Declaration"), the exhibits attached to that declaration, the memorandum of law of the Plaintiffs in support of a temporary restraining order and preliminary injunction, and the Complaint in the above-captioned action, and sufficient cause appearing therefore;

IT IS HEREBY ORDERED, that the Defendants UnitedHealthcare of New York, Inc. ("UHCNY"), UnitedHealthcare Insurance Company of New York ("UHCICNY", and together with UHCNY, "United") and OptumRx, Inc., show cause before this Court, at Room 218, United States Courthouse, 300 Quarropas Street, in the City of White Plains, County of Westchester, State of New York, on February 27, 2015 at 2:30 p.m., or as soon thereafter as counsel may be heard, why an order should not be issued preliminarily enjoining Defendants, their agents, employees and representatives from refusing to allow Plaintiffs BDRN, LLC ("BDRN-NJ") and BDRN Pharmacy, LLC ("BDRN-NY" and, together with BDRN-NJ, "BDRN") to participate in United's Specialty Pharmacy Network for Pharmacy Benefit during the pendency of this action; and it is further

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ORDERED, that upon the execution of this Order to Show Cause and service upon Defendants as directed herein, and pending and until further Hearing and Order of this Court, Defendants as soon as practicable shall allow BDRN to participate in United's Specialty Pharmacy Network for Pharmacy Benefit; and it is further

ORDERED, that service of a copy of this Order upon Michael H. Bernstein, Esq., Sedgwick, LLP, counsel for Defendants, by overnight mail on or before 5 a.m./p.m., February 13, 2015, shall be deemed good and sufficient service thereof; and it is further,

ORDERED, that answering affidavits, if any, must be served no later than Feb. 20, 2015, and reply affidavits, if any, must be served no later than the 24 day of Feb., 2015; and it is further,

ORDERED, that security in the sum of n/a shall be posted by Plaintiffs on or before n/a; and it is further,

ORDERED, that Exhibit B (United Questionnaire) to the Declaration of Joseph A. Murphy, constituting a confidential and propriety business document and being submitted in hard copy, be sealed pursuant to Rule 5.2 of the Federal Rules of Civil Procedure.

SO ORDERED:

Dated: White Plains, New York
February 13, 2015

HONORABLE NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE